

## **CONFERENCE COMMITTEE REPORT DIGEST FOR EHB 1071**

**Citations Affected:** IC 3-5-2-49.9; IC 3-11.

**Synopsis:** Funding for voting system replacement; vote center pilot counties. Conference committee report for EHB 1071. Provides for the reimbursement of a county that has purchased or will purchase a new voting system to replace a voting system that the county cannot use because the county is unable to obtain technical or other operating support for its current voting system, if the purchase is eligible for reimbursement under the federal Help America Vote Act (HAVA). Requires that any HAVA money received after December 31, 2007, must be allocated to reimburse Boone, Cass, Parke, and Randolph counties. Requires the secretary of state (secretary) to petition the federal Election Assistance Commission for authority to use HAVA money to reimburse the counties listed above. Extends the vote center pilot program through 2010. Allows the secretary to designate not later than April 1, 2008, one additional county as a vote center pilot county. Redesignates automatically as a vote center pilot county a county designated before April 1, 2008, as a vote center pilot county. Appropriates \$125,200 from the state general fund to match any HAVA money received by the state after December 31, 2007. **(This conference committee report retains the provisions relating to reimbursements to counties for replacement of voting systems as that language passed the Senate. The conference committee report extends the vote center pilot program through 2010 instead of making the vote center program permanent. The conference committee report also adjusts the deadline for designation of an additional vote center pilot county to April 1.)**

**Effective:** January 1, 2008 (retroactive); upon passage.

## CONFERENCE COMMITTEE REPORT

### ***MADAM PRESIDENT:***

***Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill No. 1071 respectfully reports that said two committees have conferred and agreed as follows to wit:***

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 3-5-2-49.9, AS ADDED BY P.L.164-2006,
- 3 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 UPON PASSAGE]: Sec. 49.9. (a) "Vote center" means a polling place
- 5 where a voter who resides in the county in which the vote center is
- 6 located may vote without regard to the precinct in which the voter
- 7 resides.
- 8 (b) This section expires December 31, ~~2009~~ 2010.
- 9 SECTION 2. IC 3-11-6.5-4 IS AMENDED TO READ AS
- 10 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) To receive
- 11 reimbursement for the purchase of voting systems under this chapter,
- 12 a county must file an application with the election division, in the form
- 13 required by the election division. The secretary of state with the
- 14 consent of the co-directors of the election division shall review the
- 15 application and make a recommendation to the budget committee
- 16 regarding the application. If a county filed an application under section
- 17 3 of this chapter (repealed) not later than January 31, 2003, the
- 18 application may be amended to comply with this chapter or the county
- 19 may file a new application under this subsection.
- 20 (b) The budget agency, after review by the budget committee, shall
- 21 approve a county's application for reimbursement under this chapter if
- 22 the budget agency determines ~~either~~ any of the following:

(1) The county has purchased or will purchase a new voting system or an upgrade or expansion of an existing voting system to comply with HAVA that would be eligible for reimbursement under HAVA and this chapter from any fund account.

(2) The county purchased a new voting system or an upgrade or expansion of the county's existing voting system after January 1, 1998, and before July 1, 2001, that would not qualify for reimbursement from federal funds received under HAVA, and the new voting system or upgrade or expansion of the county's existing voting system enhanced all of the following:

(A) Reliability of the county's voting system.

(B) Efficiency of the county's voting system.

(C) Ease of use of the county's voting system by voters.

(D) Public confidence in the county's voting system.

**(3) The county has purchased or will purchase a new voting system to replace a voting system that the county cannot use because the county is unable to obtain technical or other operating support for its current voting system. This subdivision applies only if the purchase of a new voting system is eligible for reimbursement under HAVA.**

SECTION 3. IC 3-11-18-20, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20. This chapter expires December 31, ~~2009~~ **2010**.

SECTION 4. [EFFECTIVE JANUARY 1, 2008 (RETROACTIVE)]

**(a) The definitions set forth in IC 3-5-2 apply throughout this SECTION.**

**(b) The secretary of state may designate one (1) county as a vote center pilot county under IC 3-11-18, as amended by this act.**

**(c) A county must file with the secretary of state an application to be designated a vote center pilot county under IC 3-11-18, as amended by this act, not later than March 17, 2008.**

**(d) The secretary of state shall act in accordance with IC 3-11-18, as amended by this act, and this SECTION to designate a county as a vote center pilot county not later than April 1, 2008.**

**(e) The designation of a county as a vote center pilot county under this SECTION is effective June 1, 2008.**

**(f) A county designated as a vote center pilot county under:**

**(1) P.L.164-2006, SECTION 148 (before its expiration); or**

**(2) this SECTION;**

**is automatically redesignated as a vote center pilot county under IC 3-11-18, as amended by this act, on July 1, 2008.**

**(g) This SECTION expires December 31, 2010.**

SECTION 5. [EFFECTIVE UPON PASSAGE] **(a) As used in this SECTION, "HAVA money" refers to money received by the state under the Help America Vote Act of 2002 (42 U.S.C. 15301 through 42 U.S.C. 15545).**

**(b) The definitions in IC 3-5-2 apply throughout this SECTION.**

**(c) HAVA money received after December 31, 2007, shall be allocated to reimburse the following counties for the purchase of new voting systems:**

1           **(1) Boone County.**

2           **(2) Cass County.**

3           **(3) Parke County.**

4           **(4) Randolph County.**

5           **(d) The secretary of state, as the state's chief election official**  
 6 **under IC 3-6-3.7-1, shall petition the federal Election Assistance**  
 7 **Commission for authority to use HAVA money to reimburse**  
 8 **counties as provided in subsection (c). In addition to other**  
 9 **arguments that the secretary of state may make in the petition, the**  
 10 **secretary of state shall inform the Election Assistance Commission**  
 11 **that the general assembly considers the circumstances of the**  
 12 **counties described in subsection (c) as different from other**  
 13 **jurisdictions that have requested to use HAVA money to purchase**  
 14 **new voting systems to replace voting systems purchased from**  
 15 **HAVA money. Other states have sought to replace functioning**  
 16 **voting systems that the state has chosen to abandon for public**  
 17 **policy reasons. The state of Indiana is petitioning to use HAVA**  
 18 **money to replace voting systems that cannot be used because of the**  
 19 **lack of technical and other operating support for the voting**  
 20 **systems due to the dissolution of the companies that sold the voting**  
 21 **systems.**

22           **(e) This SECTION expires July 1, 2013.**

23           **SECTION 6. [EFFECTIVE UPON PASSAGE] (a) There is**  
 24 **appropriated to the election administration assistance fund one**  
 25 **hundred twenty-five thousand two hundred dollars (\$125,200)**  
 26 **from the state general fund to match any money granted to the**  
 27 **state by the federal government after December 31, 2007, under**  
 28 **the Help America Vote Act of 2002 (42 U.S.C. 15301 through 42**  
 29 **U.S.C. 15545), beginning July 1, 2008, and ending June 30, 2010.**

30           **(b) This SECTION expires July 1, 2010.**

31           **SECTION 7. An emergency is declared for this act.**

(Reference is to EHB 1071 as reprinted February 19, 2008.)

**Conference Committee Report**  
**on**  
**Engrossed House Bill 1071**

**S**igned by:

---

Representative Grubb  
Chairperson

---

Senator Lawson C

---

Representative Richardson

---

Senator Skinner

**House Conferees**

**Senate Conferees**